

**State of California**  
**CALIFORNIA OCCUPATIONAL SAFETY AND HEALTH APPEALS BOARD**  
**CLOSED SESSION AGENDA**  
**Government Code § 11126 (a), (c)(3), (e) and (f)**  
**for**  
**Thursday, September 17, 2015**  
**9:30 A.M.**  
**Sacramento, California**  
**&**  
**West Covina, California**

**TO: Members of the California Occupational Safety and Health Appeals Board**

**FROM: J. Jeffrey Mojcher, Chief Counsel**

**DATE: September 4, 2015**

**RE: Closed Session of the Board to be held on September 17, 2015**

Pursuant to Government Code section 11126, subdivisions (a), (c)(3), (e) and (f) and the Labor Code sections 6609 and 6620, the Appeals Board will hear the following items in Closed Session. Any matter not completed at this meeting may be continued to subsequent meetings. If the closed session agenda is not completed on the scheduled day, the closed session will continue from day to day until completion and adjournment.

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**DECISIONS OF ADMINISTRATIVE LAW JUDGES:**

*(Written decision issued by an Administrative Law Judge. The decision summarizes the evidence received from the Division of Occupational Safety & Health and the Employer, makes findings of fact for all issues involved in the appeal and gives reasons and grounds for the decision. The Board Members review the decision and decide if they will reconsider the ALJ decision on their own motion.)*

1. CONTRACTORS WARDROBE, INC., 14-R4D3-1116
2. DAVIDSON ENTERPRISES, INC., 14-R4D7-3738 THROUGH 3743
3. INTERNATIONAL PAPER COMPANY, 15-R2D5-0315 AND 0316

**PETITIONS FOR RECONSIDERATION:**

1. SAVANT CONSTRUCTION, INC., 14-R3D1-3021
2. SYAR INDUSTRIES, INC., 13-R5D1-1876 THROUGH 1880

**DENIAL OF PETITIONS FOR RECONSIDERATION (DRAFT):**

1. CHARLES PANKOW BUILDERS, LTD., 13-R4D1-1759
2. NATHAN AHDOOT dba SUMMITRIDGE BEVERLY HILLS LLC., 12-R4D1-9154

**ORDER ON PETITION FOR COSTS:**

1. ECHO ALPHA INC., JOHN STAGLIANO, INC., EVIL ANGEL PRODUCTIONS,  
AND JOHN STAGLIANO, INC. DBA EVIL ANGEL VIDEO, 15-R3D1-1862

**ORDERS DISMISSING APPEAL:**

1. PENNYSAVER USA, LLC, 15-R3D3-1327 THROUGH 1329 (2<sup>ND</sup> Order Dismissing)
2. SPEED PLUMBING 2000, INC., 15-R4D1-1694 AND 1695
3. T & R CONSTRUCTION GROUP, 14-R4D3-4120 AND 4121

**AMENDMENT TO ORDER:**

1. SWIFT PORK COMPANY (previously JBS USA LLC), 15-R4D4-0704 AND 0705

**MATTERS INVOLVING LATE APPEALS:**

*(These are matters such as orders dismissing appeal, orders granting leave to file late appeal and orders denying leave to file late appeal)*

ORDER DENYING LATE APPEAL

ORDER GRANTING LATE APPEAL

**MATTERS HELD OVER FROM PREVIOUS MEETINGS:**

*(If the Board is unable to conclude its deliberations and/or if any matter(s) is (are) put over from a previous meeting, they will be further discussed.)*

**MATTERS PENDING RECONSIDERATION:**

*(If the Appeals Board orders reconsideration of an Order or Decision, it reviews the record and then affirms, rescinds, alters or amends the Order or Decision being reconsidered.)*

CALIFORNIA OCCUPATIONAL SAFETY & HEALTH APPEALS BOARD  
CLOSED SESSION MEMORANDUM  
For September 17, 2015  
Page 3

1. ACTION METAL RECYCLING, INC., R2D2-1125 THROUGH 1126
2. B.A.R.T., 11-R2D2-3137 THROUGH 3139 (ER)
3. CHEVRON U.S.A. INC., 13-R6D3-0655 THROUGH 0662
4. CROP PRODUCTION SERVICES, 09-R6D4-4036 THROUGH 4038
5. CYBERNET ENTERTAINMENT, LLC, 14-R6D1-0364
6. DIONYSUS DREAM INC., DBA NEWPORT MESA CARWASH & SERVICE,  
15-R6D5-9087
7. ECHO ALPHA INC. ET AL, 14-R3D1-0802 THROUGH 0804
8. EKEDAL CONCRETE, INC., 13-R3D1-0131 THROUGH 0133
9. GOLDEN STATE WARRIORS, 15-R1D4-9060
10. HERMAN WEISSKER, INC., 13-R3D1-3279
11. L & S CONSTRUCTION, INC., 10-R3D1-1821 AND 1822
12. McCARTHY BUILDING CO., INC., 11-R4D2-1706 AND 2406
13. McCARTHY BUILDING CO., INC., 12-R1D4-3458
14. MCM CONSTRUCTION, INC., 13-R1D2-3851 THROUGH 3854
15. NATIONAL DISTRIBUTION CENTERS, LP, 12-R6D2-0391
16. GONZALO OLASCOAGA DBA GONZALO OLASCOAGA, 13-R6D5-2097  
AND 2098
17. SIERRA FOREST PRODUCTS, 09-R2D5-3979
18. TRI-STATE STAFFING, 12-R6D2-0378
19. UNITED PARCEL SERVICE, 14-R2D1-1779
20. W.A. RASIC CONSTRUCTION, INC., 13-R3D1-2952

**LEGISLATION:**

**PENDING LITIGATION:**

*(If the Division of Occupational Safety & Health or the Employer disagrees with a decision after reconsideration or a denial of a petition for reconsideration, either one or both parties may apply to the California Superior Court for a writ of mandate. The Appeals Board receives legal advice from its Legal Unit and provides policy direction regarding pending litigation.)*

**SUPERIOR COURT:**

1. M.C.M. CONSTRUCTION, INC., 34-2009-80000378 (09-9230)
2. FLATIRON CONSTRUCTION CORP, 34-2012-80001029 (10-R4D1-2789)
3. JENSEN PRECAST, 34-2012-80001120 (05-R2D1-2377)
4. THE HERRICK CORPORATION, 34-2012-80001118 (07-0495)
5. UNDERGROUND CONSTRUCTION, 34-2012-80001124 (09-3518)
6. DUININCK BROS., INC., 34-2012-80001129 (06-2871)
7. C.A. RASMUSSEN, INC., 34-2012-80001241-CU-WM-GDS (08-R4D5-0219 AND 0220)
8. SHIMMICK CONSTRUCTION CO., INC., 34-2012-80001248 (09-R2D3-0399)
9. A TEICHERT & SON, DBA TEICHERT CONSTRUCTION, 34-2012-80001258 (05-R2D4-2650 AND 2651)
10. CA DEPT OF FORESTRY, 34-2012-80001263 (10-R2D1-0728)
11. A. TEICHERT & SON, 34-2012-80001265 (05-R2D5-2650 AND 2651)
12. PRESTON PIPELINES, INC., 34-2012-80001277 (09-R6D7-3345)
13. BLUE DIAMOND GROWERS, 34-2012-80001308 (10-R2D1-1280/1281)
14. CLARK PACIFIC PRECAST LLC, et al, 34-2012-80001319 (09-R2D1-0282/0283)
15. A. TEICHERT & SON, DBA TEICHERT CONSTRUCTION, 34-2012-80001332 (09-R4D5-0459 & 0460)
16. PRESTON PIPELINES, INC., 34-2013-8001381 (11-2530)

CALIFORNIA OCCUPATIONAL SAFETY & HEALTH APPEALS BOARD  
CLOSED SESSION MEMORANDUM  
For September 17, 2015  
Page 5

17. DSS COMPANY DBA KNIFE RIVER CONSTRUCTION, 34-2013-80001575 (12-R5D1-337)
18. HILL CRANE SERVICE, INC., 34-2014-80001730 (12-R4D1-2475)
19. MARTIN J. SOLIS DBA SOLIS FARM LABOR CONTRACTOR, 34-2014-80001749 (2008-R2D1-3414 THROUGH 3418)
20. SHIMMICK-OBAYASHI, 34-2014-80001750 (08-R3D3-5023 THROUGH 5025)
21. TAD VAN NGUYEN, CPF-14-513482 (13-R1D1-9163)
22. BRUNTON ENTERPRISES DBA PLAS-TAL MFG CO., 34-2014-80001817 (09-R6D2-2238 ~ 2241)
23. WEST VALLEY CONSTRUCTION, INC., 34-2014-80001832 (12-R2D5-3526)
24. BARNARD IMPREGILO HEALY JV, CPF-14-513697 (14-R5D1-9013)
25. TL PAVLICH CONSTRUCTION, INC., BS14-9660 (11-R3D6-1303 THROUGH 1310)
26. DAVIS DEVELOPMENT CO., 34-2014-80001892 (10-R3D1-3360 THROUGH 3362)
27. FEDEX GROUND PACKAGING SYSTEM, INC., CIVDS1415696 (13-R3D1-1220)
28. KEY ENERGY SERVICES, INC., S-1500-CV-283958, EB (13-R4D3-2239 ~ 2242)
29. KDTD, INC. DBA KD DEVELOPMENT, INC., 37-2015-00003550-CU-WM-CTL (14-R3D2-1935 & 1936)
30. HHS CONSTRUCTION, 34-2015-80002052 (12-R3D2-0492 THROUGH 0497)
31. MARIA DE LOS ANGELES COLUNGA dba MERCED FARM LABOR, 15CV-00945 (08-R2D1-3093 ~ 3098)
32. STANISLAUS FOOD PRODUCTS CO., 34-2015-80002087 (13-R2D4-0572 ~ 0574)
33. OLDCASTLE PRECAST, INC., 34-2015-80002167 (13-R3D3-0583)

**APPELLATE COURT:**

1. XL CONSTRUCTION, C074514, 34-2009-80000300 (08-R1D2-1191 THROUGH 1193)

2. AC TRANSIT, A142799, RG13-687314 (08-R1D4-0135)
3. THYSSENKRUPP ELEVATOR CORPORATION, C077115, 34-2013-80001456 (11-R2D1-2217 ~ 2219)
4. CLARK PACIFIC DBA PACIFIC EMBEDDED PRODUCTS, C078953, 34-2011-80000965, (10-R6D2-0188 THROUGH 0191)

**ORDERS OF ADMINISTRATIVE LAW JUDGES:**

*(Written order issued by an Administrative Law Judge after a pre-hearing conference in which the Division of Occupational Safety & Health and the Employer agree to settle an appeal without a hearing. The Board Members review the order and decide if they will reconsider or remand the issued order.)*

1. A C FRAMERS INC., 15-R2D3-2687
2. ALL SOURCE PPS, INC., 15-R1D4-2685
3. AMERICAN STYRENICS LLC, 15-R3D5-0402 AND 0403
4. ANDERSON LA, 15-R4D1-1029 THROUGH 1031
5. APOLLO SOUTHWEST, 15-R4D4-0027 AND 0028
6. BAR ALE, INC., 15-R2D1-0905 THROUGH 0907
7. EDDIE BARNES DBA EDDIE BARNES CONSULTING, 15-R6D5-1723 THROUGH 1727
8. BBG WIRELESS USA, INC., 14-R6D5-2361 THROUGH 2362
9. CITY OF OXNARD WASTEWATER DIVISION, 15-R4D4-1403
10. CONSTELLATION BRANDS, INC DBA MISSION BELL WINERY, 15-R2D5-0042
11. C. OVERAA & CO, 14-R1D4-4107
12. C S CONSTRUCTION, 15-R4D3-1245 THROUGH 1247
13. DEL SOL HARVESTING, INC., 15-R4D3-1625
14. ELK GROVE MILLING INC, 14-R2D1-3363, 14-R2D1-3363

CALIFORNIA OCCUPATIONAL SAFETY & HEALTH APPEALS BOARD  
CLOSED SESSION MEMORANDUM  
For September 17, 2015  
Page 7

15. ELK GROVE MILLING INC, 13-R2D1-3802
16. FLATIRON ELECTRIC GROUP, INC., 14-R2D5-3171
17. FRANK GWERDER DAIRY, INC., 15-R2D4-0734
18. GATTUSO POOL CORPORATION, 15-R6D5-2755 AND 2756
19. GLEN RAGSDALE UNDERGROUND ASSOCIATES, INC., 15-R5D1-0121
20. WILLIAM GUENTHER, DC DBA FORT SUTTER CHIROPRACTIC,  
15-R2D1-2555
21. HAYS CONSTRUCTION COMPANY, INC DBA HAYSCO, INC, 15-R2D1-0562  
THROUGH 0565
22. HONEST PLUMBING AND ROOTER INC., 14-R4D3-2149 AND 2150
23. HONEYVILLE, INC., 15-R4D4-1211 THROUGH 1215
24. HOUS OF MERCEDES INC., 15-R6D5-2069 AND 2070
25. HUNDAL FARMS, INC., 14-R2D5-2281
26. IISCO, INC DBA VALLEY FLEET CLEAN, 14-R2D5-3677 AND 3678
27. JOSE AGUILAR DBA JOSE AGUILAR LANDSCAPING, 13-R4D1-3953 AND  
3954
28. JSV FARM LABOR, INC., 14-R2D5-3622
29. JUAN BRIONES FLC, 15-R2D3-2732
30. K & G RANCHES, 14-R2D5-4178 AND 4179
31. LA HABRA PLATING CO., 15-R3D1-2564 THROUGH 2569
32. LEADPOINT, 14-R1D2-3620
33. NAPA VALLEY UNIFIED SCHOOL DISTRICT, 15-R1D5-0100
34. NOVA WEST INC, 15-R2D5-1899 THROUGH 1901
35. O. NELSON & SON INC., 14-R1D3-3591
36. ORANGE PAINTING, 15-R4D1-1194 AND 1195

CALIFORNIA OCCUPATIONAL SAFETY & HEALTH APPEALS BOARD  
CLOSED SESSION MEMORANDUM  
For September 17, 2015  
Page 8

- 37. PIN HSIAO & ASSOCIATES, LLC, 15-R2D4-0952 THROUGH 0954
- 38. POLY-AG CORP., 15-R3D2-1863 THROUGH 1866
- 39. PRIME WHEEL CORPORATION, 15-R3D5-2268
- 40. RAYMOND SAN DIEGO, 15-R3D2-0535
- 41. R B PLASTERING, 15-R2D5-0972 THROUGH 0975
- 42. SIGN OF THE TIMES, 15-R4D1-0112 AND 0113
- 43. STEELEX INDUSTRIAL, INC, 15-R2D5-1227 AND 1228
- 44. SUNNY TILE & MARBLE, INC., 15-R6D5-2598
- 45. TEAMWORK HUMAN RESOURCES INC., 15-R2D3-2688
- 46. TEK SYSTEMS, INC., 14-R2D1-3697
- 47. TONY MACIAS TREE EXPERTS, 15-R4D1-0672 THROUGH 0674
- 48. TOTAL APPEARANCE EXHIBIT SERVICES, INC., 14-R2D6-1915 THROUGH 1917
- 49. TRI-SQUARE CONSTRUCTION INC,
- 50. VLOT BROTHERS, 14-R2D5-1683 THROUGH 1685
- 51. WINCO FOODS, LLC, 15-R2D1-2770

**PERSONNEL:**

*(Issues regarding staff.)*

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